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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 SHARON ELAINE BURLESON,  
8  
9 Plaintiff,

10 v.

11 SECURITY PROPERTIES  
12 RESIDENTIAL, LLC, *et al.*,  
13 Defendants.

CASE NO. C18-0513RSL

ORDER GRANTING  
EXTENSION OF TIME IN  
WHICH TO FILE SECOND  
AMENDED COMPLAINT  
AND DENYING MOTION TO  
CONTINUE  
JURISDICTIONAL MOTIONS

14 Currently pending before the Court are two motions to dismiss challenging this  
15 Court's power to exercise personal jurisdiction over defendants Spagnola, Carpenter,  
16 Witte, Miller, and Malpasuto. Dkt. # 31 at 10-14 and Dkt. # 36 at 6-13. Plaintiff  
17 previously requested leave to amend her complaint in response to defendants' motions  
18 to dismiss. The Court found that defendants' arguments based on Rule 12(b)(1) and  
19 Rule 12(b)(6) might be remedied by an amended pleading and gave plaintiff until  
20 August 8, 2018, to file a second amended complaint that replaced prior pleadings and  
21 provided specific facts – the who, what, when, why, and where – regarding each  
22 defendant's conduct that gave rise to liability. Plaintiff was advised, however, that the  
23 personal jurisdiction issues “can be decided as a matter of fact . . . independent of the  
24 allegations of the complaint, and may therefore be decided at this juncture.” Dkt. # 40 at  
25 3. Plaintiff was given until Monday, July 30, 2018, to respond to the personal  
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ORDER REGARDING MOTIONS  
TO EXTEND TIME

1 jurisdiction arguments.

2 On July 17, 2018, plaintiff filed a motion for an extension of time in which to file  
3 her second amended complaint. The Court did not immediately rule on that motion, and  
4 plaintiff filed her Second Amended Complaint one day after the filing deadline.  
5 Defendants filed motions to dismiss within the period allowed for responses under Rule  
6 12. Given the current status of the record, the Court accepts the Second Amended  
7 Complaint filed on August 9, 2018 (Dkt. # 52): it is now the operative pleading in this  
8 matter. To that extent, plaintiff's motion for an extension of time in which to amend her  
9 pleading is GRANTED.

10 On July 25, 2018, plaintiff filed a motion for leave to take expedited discovery  
11 regarding (a) the factual allegations giving rise to her claims and (b) the Court's  
12 jurisdiction over defendants Spagnola, Carpenter, Witte, Miller, and Malpasuto. The  
13 Supreme Court has made very clear that, at the time a litigant files a lawsuit in federal  
14 court, she must know of and adequately allege facts that are sufficient to give rise to a  
15 plausible inference that she is entitled to the relief requested in the complaint. Bell Atl.  
16 Corp. v. Twombly, 550 U.S. 544, 570 (2007). A federal lawsuit cannot be filed based on  
17 conclusory statements and unsupported accusations with only a hope that discovery will  
18 reveal facts supporting the claims asserted. In ruling on defendants' motions to dismiss  
19 under Rule 12(b)(6), the allegations of the Second Amended Complaint will be  
20 evaluated to determine whether the claim for relief is plausible and therefore justifies the  
21 initiation of discovery: allowing plaintiff to conduct discovery in order to adequately  
22 state her claims puts the proverbial cart before the horse. To the extent plaintiff justifies  
23 her request for early discovery on a need to obtain "greater clarity of the egregious  
24 offenses of the Defendants in this case of racial and disability discrimination" (Dkt. # 42  
25 at 7), the argument fails.

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ORDER REGARDING MOTIONS  
TO EXTEND TIME

1 Plaintiff also argues that she needs to take discovery in order to respond to  
2 defendants' motions to dismiss for lack of personal jurisdiction. Preliminary discovery  
3 regarding a defendant's contacts with the forum may, in some instances be warranted.  
4 The vast majority of the discovery requests plaintiff has proposed, however, have  
5 nothing to do with the individual defendants' contacts with the State of Washington. The  
6 very few inquiries that could possibly have some relevance to the personal jurisdiction  
7 issues (such as requests for documents regarding visits by sales representatives (Dkt.  
8 # 42-1 at 14) and communications about plaintiff or her apartment building (Dkt. #42-1  
9 at 16-17; Dkt. # 42-3 at 2)) are too general to assist plaintiff in responding to the  
10 arguments raised by Spagnola, Carpenter, Witte, Miller, and Malpasuto. Thus, even if  
11 the Court were inclined to allow jurisdictional discovery at this point in the litigation,  
12 the information plaintiff seeks is not relevant to the issues currently before the Court.  
13 Plaintiff's request to delay consideration of the personal jurisdiction motions so that she  
14 can conduct jurisdictional discovery is therefore DENIED.

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16 For all of the foregoing reasons, plaintiff's motion for an extension of time in  
17 which to amend her complaint (Dkt. # 41) is GRANTED in part and DENIED in part.  
18 The motion for leave to conduct early discovery (Dkt. # 42) is DENIED.

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20 Dated this 5th day of September, 2018.

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22 Robert S. Lasnik  
23 United States District Judge  
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